

**SCPD EMPLOYMENT FIRST
FEBRUARY 09, 2016
SMYRNA REST AREA CONFERENCE ROOM, SMYRNA**

Present: Dan Madrid, Co-Chair/DHSS-DVI; Dan McGannon, Co-Chair/DOL; Paul Beane, DELARF; Melissa Martin, POWR/Autism DE; Laura Strmel, SJCS-DE; Dr. Ron Sarg, DE Commission of Veteran Affairs (DCVA); Ellen Coulston, Parent; Nick Fina, SCPD; Marissa Catalon, DDDS; Dale Matusevich, DOE; Kyle Hodges, Staff; and Amber Rivard, Support Staff.

CALL TO ORDER/Introductions/Approval of December Minutes

Dan McGannon called the meeting to order at 9:42 am. Everyone introduced themselves. The December 08, 2015 minutes were seconded and approved as submitted.

ADDITIONS OR DELETIONS TO THE AGENDA

None

BUSINESS

Employment First State Leadership Mentoring Project Update

Dan Madrid provided an update on the EFSLMP (Employment First State Mentoring Project) and that this is their third year of the project since they started. They have worked on three strategic priority areas. One strategic area is the structured phase out of the sheltered workshops housed in the Delaware Industries for the Blind and Delaware Psychiatric Center. There are two Subject Matter Experts (SMEs) working with EFSLMP - Jennifer White and Abbey Cooper. Nancy Gurney helped last year with doing the evaluation of the locations and recommendations toward a path forward. A team from DSAMH is meeting with the group because they are discussing consumers and looking at 16 people in different work areas. They are talking to each provider that helps the consumers into customized employment to find competitive opportunities. Some people in these workplaces have competitive skill sets that make an easy transition into jobs in the community. They have been continuing to work with those in their 50s or 60s. Kyle asked who the providers were. Dan responded that they are treatment providers from Horizon House or Connections and the vocational provider will be DVR (Division of Vocational Rehabilitation) to discuss the right fit to customize employment. Someone asked if the providers are DSAMH approved. Dan responded that they need to be VR approved. Since it is a federal initiative, the federal people are asking for data regarding where the people are working now, what their current pay is, and where they are being transitioned so they can have a report card on the statistics after everything is completed. He added that the Workforce Innovations and Opportunity Act that was passed a couple of years ago. One change in the Act is the performance measures that had gone from the original 90 days to 6 months and report how long people had been employed. The other change is the new provision in the law that is allowing DVR to have long term or extended services for 4 years of funding.

Kyle asked who are on the workgroups. The DSAMH workgroup consists of Dr. McGuffin who oversees the workshops, Nancy Olson is the day-to-day manager and a vocational rehab counselor at DSAMH supports people training and transitioning out. He stated that their team has an employment specialist, their DVR counselors and are trying to get a VR counselor from DOL/VR in addition with two national consultants. They developed a draft business plan for the Industries for the Blind and looking at what it will take to become more of a community- focused production facility. He stated they are working this year to make a profit. The two main objectives for the Industries for the Blind are to move it off the grounds of the state hospital into the community and to keep moving towards more integrated standards over time. Since Dan is on that workgroup, he explained that they are having a consultant brought in from SCORE to help with the development of the business plan to look at Industries for the Blind as a business. Kyle asked if moving the Industries for the Blind off the hospital grounds would be the main goal or are there others. Dan stated that it is for location and expanding into other lines of business. They are considering a service role that they could play, but it will be mostly promotional products. They had been asking if there is any way to reach out to other organizations that could be provided with similar products. Laura added that there are community foundations that take a look at collaboration for grants and could have possible partnerships to ease the profits of the program. Dan stated that they have talked to Delaware City about the notion of moving into the community for more space. Laura stated her concern about Industries for the Blind moving into the community because of the requirements needed. Dan had stated that there are many different stages and phases in the overall project; they are working on each stage one at a time. Dan remarked that as a business they decide on the federal portion of the business and are at approximately 20% of the revenue. Most federal contracts require that 75% of people with visual impairments work on these contracts.

Nick asked about competitive employment and what will it look like for people with disabilities a year from now in rather than five years. Dan replied that there is a section under the Workforce Innovations Opportunity Act (Section 5.11) about sub-minimum wages especially for youth that come from the school systems that will be in effect starting July 22, 2016. That section of the law describes how vocational rehabilitation systems are supposed to work with providers for helping students graduate school and transition into competitive work. He believes that the regulations for this law will be done in June of this year. He addressed an e-mail Kyle had sent to him asking about how they could tell they are progressing on demographics for the community. He responded that he is going towards the LEAD Center that has a webpage for every state statistics on Employment First, transition statistics, employment statistics, and poverty statistics for people with disabilities. He stated that picking out some statistics from that sight will help show the impact they are making. The other two areas that are being worked on at the State level are the Social Determinants Workgroup that researches needs with the State regarding the connection between poverty employment and health outcomes for people with disabilities. There was also an education form that came from Nemours. Other groups were also providing similar research. Dan stated they have been gathering all the groups together to meet and discuss all their initiatives regarding working with people that have the most critical needs in Delaware. They were discussing how to include questions about social determinants, disabilities and public health surveys this year. Abbey Cooper is one of the national consultants and is providing other systems with recommendations on what types of questions to ask meaningful feedback. He hopes that the research models will continue and start aligning some of the objectives. He gave an

example if the workforce plan for the state decides to align with the healthy neighborhoods initiative that could identify three key communities that need support with their health outcomes. If both workforce plan and healthcare system align with the education system then it would have a greater impact and save some money. He announced that group is meeting monthly to discuss getting all information to the table. Nemours is working with a lot of groups and bringing together a lot of healthcare groups. He added that they are progressing slowly ahead with the projects.

The last area that they are working on is strengthening and getting the Pathways to Employment and PROMISE initiatives. Pathways to Employment is under DHSS Medicaid State Amendment and they are trying to get people to join the program. The PROMISE initiative is the mental health program; Dan had been talking with Mike Barbieri and a national expert - Virginia Selleck. The goal for DSAMH is to open up their provider contracts in the summer and strengthen the employment standards within the contracts. Employment was not one of the things being covered. DOL provided additional funding for employment specialists throughout the system of care. One employment specialist is assigned to each treatment team throughout the state. The work will be completed in about 10 months.

State Use Program Amendments

Paul discussed a brief overview of the State Use Law amendments. There is a statute in the Delaware Code that allows an alternative means to develop contracts with the State of Delaware through a commission. Contracted services and or products can be procured without contested bids if they demonstrated a certain number of components are met. DelARF currently provides two-thirds of services that provide Delaware for employment services that employed 338 people last year to various agencies in the State. Janitorial services employed 250-260 people throughout the State. They also secured document destruction by people that came to the offices to pick up the sensitive documents and then destroy them off site. This employs 5-6 people a year. The State Use Law is guided by a commission consisting of people such as a Director of Purchasing from Delaware, Director of Finance and other advocates. The commission went under a Joint Sunset review since in the past 2 ½ years. Dan and Paul have been working with the Sunset Review Committee which looks into state agencies and programs to determine whether or not if they are still viable.

Changes are being recommended for the State Use Program. First, the name of the commission will change to the Commission for Statewide Contracts to Support Employment for Persons with Disabilities. Also, not only does DVI and DelARF have support contracts, they also subcontract to rehabilitation programs like Eastern Seals, Goodwill, etc. Currently the statute requires that they hold a 14C requirement that allows them to fairly counteract payment of subminimum wages which is why the elimination of requirement for participating agencies would be important to the commission to remove it. Second, they removed the requirement for agencies to hold a CARF accreditation. It can be cost prohibitive and very time consuming. Paul mentioned a few valued benefits that CARF has and it eliminates numbers of agencies that can participate and pass the impact that State Use can have within the state. By eliminating those two requirements, they will be able to see many opportunities for expanding this program.

Paul stated that DelARF had been discussing the changes with providers that are out-of-state and in-state. The new requirements for the State Use Program will be if they are an entity of any sort that deals with a person with disabilities, then, they are eligible to participate. They wanted to make ensure that people who benefitted from jobs made available through the State Use Program can participate as a representative on the commission. He stated that the bill has not been introduced and it is still in draft form.

Dan spoke about the two recommendations that came out of Sunset Review. One of the recommendations revolves about language modifications on term limits. Kyle suggested that the Commission may want a representative on the State Use Law Commission. The last change is that the CNA (Central Non-profit Agency) will initially review all of the contracts and ensure that performance standards are met, provide marketing programs, and ensure compliance with terms of the statute. Every 5 years DelARF will have to compete for CNA status.

Dan added that because they have a new statute that will be in effect, they have been working on the regulations that give more details of whether they could or could not sign contracts, information around the integration standards, and by-laws for the commission. Paul stated that there are no recommendations relating to background checks and he had spoken to the State Rehab Council. Hundreds of individuals who serve under DelARF contracts are subject to backgrounds checks that most other contractors and state employees are not subject to. There is currently no appeal process when individuals are denied an opportunity to work in a facility. Paul delivered to the JSC the data that demonstrated that 10% of the employees that were put into consideration for employment to the state had been denied employment and they do not understand why they were denied the employment. DelARF developed and submitted procedural guideline recommendations to the JSC that could be incorporated into the State policy regarding those background checks.

Change in DART System and Possible Impact on Work Opportunities through DelARF's State Use Contracts

Paul stated there is a recent development in the classification on temporary employment services contract. The classification is called a DART Ride Check and DelARF has been providing DART with fifty to sixty individuals a year to ride on their buses to assess passenger-ridership for 2 ½ years. It is an important project to DelARF because of the number of work opportunities it creates. Many of the people referred for placement for the ride check roles are direct referrals from DVR. That is a great opportunity to those people because it gives them solid work experience that they can put on their resumes. It has produced many positive outcomes and many success stories. DART had sent an email indicating that they will no longer allow DelARF to provide services due to new regulations from the FTA (Federal Transportation Administration). The individuals that were already placed for the winter ride checks and the money for orientation for these jobs has been eliminated with a "last minute" cancellation. Paul stated that he had sent an email to DART for further clarification about when the regulations may take effect and requested a copy of the regulations to review. He asked if DelARF and DART could meet to discuss. Currently, DelARF is still waiting for a response from DART. Kyle suggested that they could do something as a Commission about the concern for a possible loss of competitive employment for people with disabilities. A motion was made, seconded and approved to make a

communication to DART that the Commission is concerned that the cancellation of the Winter Ride Check program results in the loss of 35 jobs, of which nearly 30 were to be filled by those having qualifying disabilities and the process by which DART cancelled the program.

Maryland Subminimum Wage Legislation

Kyle stated that there is a bill that recently was introduced in Maryland which prohibits, over time and with certain exception, paying employees less than minimum wage. This bill would prohibit any new 14(c) Special Wage certificates except under certain circumstances, prohibit current certificate holders from adding any new people with disabilities to the existing certificates and, after three years, end the state funding of entities that hold 14(c) certificates, and establish a workgroup to track the progress of this legislation. Other states are questioning the subminimum wage issue. The commission may want to address this issue. Maine and California are addressing this same issue in their states. Dan Madrid noted that most of the moderate type bills have a gradual “phase out” that takes a number of years to complete. Kyle will contact Rep. Heffernan since she was the sponsor of the bill which created this Commission to possibly determine an appropriate path forward, information and all groups needed to begin the discussion regarding wage issues.

Other Business

None

ANNOUNCEMENTS

None

ADJOURNMENT

Meeting was adjourned at 11:35 am. The next meeting will be held on Tuesday, March 8, 2016 at Smyrna Rest Area Conference Room at 9:30 am.

Respectfully submitted,

Amber Rivard
Administrative Specialist

Employment First/minutes 2-9-16